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**UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

**JOHN KESSLER, ADMINISTRATOR OF
 THE ESTATE OF RUTH FOUND HAWKINS,**
Plaintiff,
v.
UNITED STATES OF AMERICA,
Defendant.

No. C-06-07492-RS

**STIPULATION TO
 CONTINUE CASE
 MANAGEMENT CONFERENCE
 AND ORDER THEREON**

1. On March 14, 2008, the Court issued an order requiring the parties to appear at a further case management conference on May 21, 2008, at 2:30 p.m. For the reasons stated below, the parties stipulate to continue that conference until July 23, 2008, at 2:30 p.m.

2. Counsel for the defendant currently has a trial in San Francisco, commencing on May 19, 2008, that is expected to last nearly two weeks. Case No. 07-325-PJH. Trial will not be held on May 21, 2008, the date of the case management conference in this case. However, it is likely that defendant's counsel will need that time to further prepare for the ongoing trial.

3. In addition, plaintiff's counsel is currently preparing for a criminal trial, which is scheduled to commence on June 2, 2008, and expected to last six weeks. That case is captioned as People v. Valverde et al., Santa Clara County Case No. 1-07-CV-080913.

4. Taking into account this schedule, the parties have agreed to exchange information necessary to settle this matter. Plaintiff has agreed to supply specific information related to the attorneys' fees at issue around or before the June 2, 2008 trial commences. Defendant's counsel will supply this information, and any supplemental information plaintiff can

1 provide, to the IRS so that a tentative refund amount can be calculated while the June 2, 2008
2 trial is ongoing. Thereafter, the parties will discuss settlement of this case, which will require
3 approval from those individuals with settlement authority over this case.

4 5. Defendant's counsel agrees to prepare a further case management statement that
5 will be filed no later than two weeks before the proposed July 23, 2008 hearing date that would
6 notify the Court of the progress at that point.

7 6. The parties have previously agreed to three time modifications relating to the
8 filing of pleadings on motions for summary judgment. Defendant has only requested an
9 extension of time in this matter with respect to the initial status conference.

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11 Dated: May 13, 2008

/s/Thomas M. Newman
THOMAS M. NEWMAN
Assistant United States Attorney
Tax Division

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14 Dated: May 13, 2008

/s/Heather Munoz
HEATHER MUNOZ
Attorney for plaintiff

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17 ORDER

18 In accordance with the parties' stipulation, IT IS SO ORDERED.

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21 Dated: May 14, 2008


RICHARD SEEBORG
United States Magistrate Judge